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OFFICE OF PETITIONS

In re Application of Farnsworth et al.	:	
Application No. 10/674,109	:	Decision on Petition
Filing Date: September 29, 2003	:	
Attorney Docket No. 1578.622	:	

This is a decision on the petition under 37 CFR 1.181, filed April 23, 2007, to withdraw the holding of abandonment. The petition is filed in the alternative under 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(b) is **dismissed as moot**.

A Request for Continued Examination and an amendment were filed May 22, 2006.

A Notice of Non-Compliant Amendment was mailed May 23, 2006.

A Notice of Abandonment was mailed March 6, 2007. The Notice of Abandonment states the application is abandoned because a reply was never filed in response to the May 23, 2006 Notice of Non-Compliant Amendment.

Petitioner contends a timely reply was filed June 1, 2007.

The Office has located the reply filed June 1, 2007. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition under 37 CFR 1.181 has been granted, relief under 37 CFR 1.137(b) is unnecessary. The petition under 37 CFR 1.137(b) is dismissed as moot. A petition fee has not been charged to petitioner's deposit account.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Technology Center Art Unit 2617 will be informed of the instant decision and the papers filed June 1, 2007, will be considered by the examiner in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
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